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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,935	01/22/2004	Andy Wang	522272000121	5752

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MORRISON & FOERSTER, LLP  
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SUITE 3500  
LOS ANGELES, CA 90013-1024

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,935	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Scott E. Jones	<b>Art Unit</b> 3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/22/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/22/04; 10/17/05</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 5, and 6 are objected to because of the following informalities:
  - In claim 1, line 14, the phrase “wherein each will witness the...” requires clarification. The claim is unclear as to whether “each” is referring to “each of said initiator, intended receiver, and interceptor” or “said outcome signal”. The claim should be amended accordingly.
  - In claims 5 and 6, the term “character” appears to be used interchangeably for participant, member, intended receiver, etc. which is inconsistent with prior claim terminology.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2, 3, and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claim 2, lines 1-2, the phrase, “said outcome signal comprises instructions regarding the time to display said reaction” is unclear. It is unclear whether the instructions are directed to the player in the game or within the programming code in the game.
5. Regarding claim 3, lines 1 and 2, the language “wherein said intended receiver has the initial opportunity to react to said reaction” contradicts the language in claim 1 with regards to “wherein said interceptor has the initial opportunity to react to said action.”

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaaïj (U.S. 6,056,640).

Schaaïj discloses a computer game system that can be played over a network by two or more teams, wherein each human player controls a virtual game character in a competition, such as, baseball, basketball, or football, etc. Schaaïj additionally discloses:

Regarding Claim 1:

- qualifying all participants in the game as members of either an active group or an awaiting group; The examiner interprets an active group to simply be a player on offense in a sports game such as baseball, basketball, or football, etc. Likewise, the examiner interprets a participant in an awaiting group to simply be a player on defense in a sports game such as baseball, basketball, or football, etc. (see entire disclosure).
- qualifying a member of said active group as an initiator (see entire disclosure); The examiner interprets an initiator as simply as a player having the ball in a sports game.
- qualifying at least one member of said active group as an intended receiver (see entire disclosure); The examiner interprets an intended receiver as a player whom the ball is thrown to, handed to, or hit to in a sports game.

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- qualifying at least one member of said active group as an interceptor (see entire disclosure); The examiner interprets an interceptor to be a player on defense, such as a defensive back in football, a player on the defense in basketball, or a position player in the field in baseball for example.
- conveying an action initiated by said initiator and directed to said intended receiver first to said interceptor, wherein said interceptor has the initial opportunity to react to said action, and wherein a reaction by said interceptor results in an outcome signal (see entire disclosure); The examiner interprets an action initiated by an initiator to simply be a quarterback throwing a ball in football, a pitcher throwing a pitch in baseball, or a point guard passing the ball in basketball and a defensive player making a break or acting on the ball before another player does so.
- conveying said outcome signal to each of said initiator, intended receiver and interceptor at a specific time for each, wherein each will witness the reaction concurrently (see entire disclosure). The examiner interprets this limitation to simply be a ball being thrown in a sports game and shown on a display.

Regarding Claim 2:

- wherein said outcome signal comprises instructions regarding the time to display said reaction (see entire disclosure). Outcome signals displayed to a display has instructions regarding when to display the outcome on the display.

Regarding Claim 3:

- wherein said intended receiver has the initial opportunity to react to said reaction (see entire disclosure). The examiner interprets an action initiated by an initiator to simply

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be a quarterback throwing a ball in football, a pitcher throwing a pitch in baseball, or a point guard passing the ball in basketball and a offensive player making a break or acting on the ball before another player does so.

Regarding Claim 4:

- wherein said step of qualifying an initiator comprises the step of determining which character is in possession of a game object (see entire disclosure). The player with the ball is the initiator.

Regarding Claim 5:

- wherein said step of qualifying at least one intended receiver comprises the step of determining to which character said initiator is attempting to convey said game object (see entire disclosure). To qualify as an intended receiver, that player's team must have the ball.

Regarding Claim 6:

- wherein said step of qualifying at least one interceptor comprises taking into account one or more of: the established rules of said game, the particular character parameters defined by said game, and in-game situations (see entire disclosure). To qualify as an interceptor, that player's team must be on the defensive side of the ball.

Regarding Claim 7:

- wherein members of said awaiting group are qualified as members of said active group according to a pre-determined, game-specific formula (see entire disclosure). When the awaiting group (defense) obtains the ball, then they transition to offense and are in the active group.

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Regarding Claim 8:

- wherein said game comprises at least two teams, and wherein said initiator and said intended receiver are on the same team (see entire disclosure). Sports games are typically played between two teams and an initiator (quarterback) and intended receiver (wide receiver) are on the same team.

Although Schaaïj discloses the computer game system is a team competition game, such as soccer, American football, hockey, cricket, baseball, basketball, volleyball, korfbal, hurling, tennis doubles, badminton doubles, table tennis doubles, etc. Schaaïj does not appear to explicitly disclose all of the rules or actions that are performed in these different games. However, it would have been obvious at the time of applicant's invention to implement these features in any one of the different kinds of games in Schaaïj. One would have been motivated to do so because these features are well known in electronic sporting games and are implemented on computer systems to entertain players by making the games simulate a real sporting contest.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Khosla '063 discloses a simulated real time game play in conjunction with a live race.

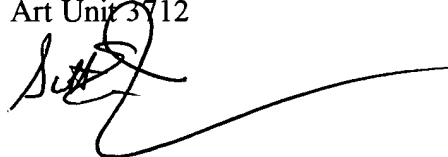
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott E. Jones  
Primary Examiner  
Art Unit 3712

A handwritten signature in black ink, appearing to read 'Scott E. Jones', with a long horizontal flourish extending to the right.

SEJ